

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

VACANT  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
SEPTEMBER 7, 2004  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Jose Alexandro Lozano, John F. Cook, and Anthony W. Cobos. Late arrivals: Paul J. Escobar at 9:53 a.m. and Vivian Rojas at 9:30 a.m. Excused Absence: Robert A. Cushing, Jr. Meeting was called to order at 9:16 a.m. and the invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

1. Childhood Cancer Awareness Month
2. Grandparents Day 2004
3. American Heart Walk Day

No action was taken on the following item: Cohen Stadium. [William F. Hart, Jr.]

Mr. William F. Hart, Jr., citizen, expressed his opposition to the word "ENEMY" displayed above the visitor's dugout located at Cohen Stadium and requested that it be removed. He commented on \$4 million improvements necessary to renovate the stadium.

Mayor Joe Wardy commented.

Ms. Anita Blair, citizen, spoke on several issues.

No action was taken on the following item: Remembering September 11, 2001. [Wally Cech]

Ms. Wally Cech was not present to speak on the item.

Ms. Anita Blair, citizen, spoke on several issues.

### PRESENTATION OF PLAQUE

Public recognition of Jessica Powell, student at Burges High School, as the recipient of the Texas Amateur Athletic Federation Award by being named the Female Athlete of the Year in the State of Texas, and presentation of plaque.

Ms. Jessica Powell, recipient of the Texas Amateur Athletic Federation Award, thanked her parents, coaches, and teammates.

Ms. Paula Powell, mother of Jessica Powell, commented on Jessica's athletic accomplishments.

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**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Museums be authorized to receive and accept a donation from the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C., in the total amount of \$15,000.00. This donation would constitute "seed money" for an exhibit at the new El Paso Museum of History covering the Legal History of El Paso. The Director of Museums shall further be authorized to sign a donation agreement and any other documents necessary to effectuate the donation.

Ms. Jennifer Nielsen, Director of the El Paso Museum of History, thanked the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C., for their generosity.

Mr. Mark Dorè, attorney, explained that the law firm, founded in 1904, would be celebrating its 100<sup>th</sup> anniversary and hoped that the \$15,000 monetary gift would provide the firm a lasting legacy.

Mr. Mark Walker, attorney, expressed that the firm was pleased and honored to participate and recommended that the Council approve the resolution.

Mr. Norman Gordon, attorney, concurred with the above statements.

Representative Cook hoped that El Paso's most notorious attorney, Mr. John Wesley Hardin, would be made a part of the museum's exhibits.

Mayor Joe Wardy thanked the law firm for their generosity.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Ms. Richarda Duffy Momsen, City Clerk, noted, for the record, that Representative Rojas voted AYE.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the Minutes for the Regular City Council Meeting of August 31, 2004 and the Special City Council Meetings of August 28 and August 31, 2004.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to excuse Representative Robert A. Cushing, Jr., from the September 7, 2004 Regular City Council Meeting.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to the Baggage Cart and Locker Concession Agreement between the City of El Paso ("Lessor") and Smarte Carte, Inc. ("Concessionaire") to reduce the square footage of the office space under the Leased Premises; to adjust the office rent; and to allow for reimbursement of overpaid rent from February 1, 2002 through May 1, 2004.

**\*RESOLUTION**

**WHEREAS**, the City Council has determined that offering an incentive to airlines to open new non-stop service from El Paso might stimulate business and would be of benefit to the City; and

**WHEREAS**, the City Council has determined that a public purpose will be served by providing such and incentive.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Commencing September 7, 2004 and ending September 6, 2005, any air carrier which establishes new, non-stop service from El Paso to destinations not currently served by any air carrier currently doing business at the El Paso International Airport will be eligible to receive a waiver of landing fees for the first ninety (90) days of the new service. Waivers will be temporary in nature and granted in an effort to stimulate the growth of airline service to and from El Paso International Airport and to allow carriers the opportunity to try new routes. Any carrier requesting a waiver shall notify the Director of Aviation, in writing, prior to commencing service. After confirming that the service meets the specifications set forth in this Resolution, the Director of Aviation shall confirm in writing that the carrier is entitled to the waiver.

**\*RESOLUTION**

**WHEREAS**, an existing underpass structure on Country Club Road and Doniphan Drive crosses the Burlington Northern and Santa Fe Railway Company track at DOT No. 019 780K (Railroad Milepost 1147.47) in El Paso, El Paso County, Texas, and

**WHEREAS**, the State of Texas, acting by and through the Texas Department of Transportation, and the City of El Paso propose to install conduit and conductor cable under the track of the Railroad by the jack and bore method to provide for traffic light synchronization at DOT No. 019 780K (Railroad Milepost 11147.47) in El Paso, El Paso County, Texas,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a CONDUIT UNDER TRACK AGREEMENT between the Texas Department of Transportation, the Burlington Northern and Santa Fe Railway Company and the City of El Paso, to allow for the installation of conduit with conductor cable under the existing underpass structure on Country Club Road and Doniphan Drive under the Burlington Northern and Santa Fe Railway Company's track.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign on behalf of the City, an Amendment to a Local Transportation Project Advance Funding Agreement for the reconstruction of Magoffin Avenue from Campbell Street to Virginia Street to include the improvement of the pedestrian way including landscaping, ornamental lighting and sidewalk reconstruction for the San Antonio Transit Plaza Project in El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT for an **STP Metropolitan Safety Project** ("Agreement") between the City of El Paso ("City") and the State of Texas, acting through the Texas Department of Transportation ("State"). The scope of work for this agreement is described in layman's terms as installation of advance warning signs and signals on Hawkins Blvd. at Phoenix and Tony Lama and the installation of safety lighting on Lomaland at Yermoland. This will be a reimbursable Agreement as described in the Local Project Sources and Uses of Funds, with additional terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A THIRD AMENDMENT TO A RADIO ANTENNA SITE LEASE AGREEMENT BETWEEN THE CITY, ON BEHALF OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND REGENT BROADCASTING OF EL PASO, INC. SAID LEASE SITE BEING A PORTION OF TRACT 18, SECTION 31, BLOCK 80, TOWNSHIP 1, CONSISTING OF 44.502 ACRES IN EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, El Paso Water Utilities holds in trust for the City that certain parcel of land described as a portion of Tract 18, Section 31, Block 80, Township 1, consisting of 44.502 acres of land in El Paso, El Paso County, Texas; and,

**WHEREAS**, the land under the jurisdiction of the El Paso Water Utilities Public Service Board (PSB) and is leased for use as a radio antenna transmitter tower site; and,

**WHEREAS**, the PSB and Regent Broadcasting of El Paso, Inc., request the City sign a third amendment to renew the lease agreement extending the term an additional five (5) years from September 5, 2004, until September 4, 2009; and allowing one five-year option to renew; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign on behalf of the City's El Paso Water Utilities Public Service Board a Third Amendment to the Lease Agreement between the City of El Paso and Regent Broadcasting of El Paso, Inc. Said amendment renews the lease extending the term an additional five (5) years and allowing one five-year option.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Landscape Architecture Services by and between the **CITY OF EL PASO** and **SCHRICKEL, ROLLINS AND ASSOCIATES, INC.**, for a project known as "**George Dieter, Montwood and Pebble Hills Median Landscaping**", in an amount not to exceed **FOUR HUNDRED SIXTY-ONE THOUSAND NINE HUNDRED SEVENTY-TWO and NO/100 DOLLARS (\$461,972.00)**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

~~That the Mayor be authorized to sign a Second Amendment to an Agreement for Architectural Services by and between the City of El Paso and Lucero Melendez Architects A.I.A., Inc., for a project known as " Vista del Valle Park and Multi-Purpose Center Rehabilitation" for an amount not to exceed SIXTEEN THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$16,500.00).~~

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BLANCA M. GONZALEZ**, to assist the City Manager as an Executive Staff Assistant at a biweekly rate of \$1,346.15 for 40 hours per week. The term of the contract shall be for the period of September 8, 2004 through March 7, 2005. Contract subject to the concurrence of the Civil Service Commission.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

WHEREAS, in February 2004 the citizens of El Paso voted to amend the City Charter to change from a Strong Mayor form of government to a Council-Manager form of government; and

WHEREAS, such change makes it is appropriate to change the title of the Deputy Chief Administrative Officers to Deputy City Managers and to assign all duties, responsibilities or obligations previously assigned to a Deputy Chief Administrative Officer to a Deputy City Manager.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That all resolutions of the El Paso City Council, job descriptions and policies of the City, previously adopted and still in effect, that assign duties, responsibilities or obligations upon or grant authority to act to one or more Deputy Chief Administrative Officers of the City, or to a person holding an equivalent position, shall continue in effect and the duties, responsibilities or obligations assigned or authority granted thereunder shall be transferred to the Deputy City Manager(s) in charge of the same department(s).

2. That all contracts, agreements, memorandums of understanding, grants and other contractual obligations made by the City of El Paso which are still in effect, that assign duties, responsibilities or obligations upon or grant authority to act to one or more Deputy Chief Administrative Officers of the City, or to a person holding an equivalent position, shall continue in effect and the duties, responsibilities or obligations assigned or authority granted thereunder shall be transferred to the Deputy City Manager(s) in charge of the same department(s).

See discussion on Ordinance 15876, page 20.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representatives Escobar and Rojas were not present for the vote.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Libraries be authorized to sign the Host Agreement with The Grantsmanship Center, providing for the El Paso Public Library to host a 5-day Grantsmanship Training Program from February 28, to March 5, 2005. Hosting of the training program will require the Library to provide the use of training facilities and equipment, but no payment by the City is required.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

- |    |              |   |
|----|--------------|---|
| 1. | CONTRACTOR:  | Angelica Terrazas, Senior Lifeguard, Step 1   |
|    | DATES:       | September 08, 2004 through September 30, 2004 |
|    | RATE PER HR: | \$6.60  |
|    | CONTRACT NO: | <b>2004/2005-090</b>                          |
|    |              |   |
| 2. | CONTRACTOR:  | Angelica Terrazas, Senior Lifeguard, Step 1   |
|    | DATES:       | October 01, 2004 through September 30, 2005   |
|    | RATE PER HR: | \$6.60  |
|    | CONTRACT NO: | <b>2004/2005-091</b>                          |
|    |              |   |
| 3. | CONTRACTOR:  | Daniel Juarez, Lifeguard, Step 4              |
|    | DATES:       | October 01, 2004 through September 30, 2005   |
|    | RATE PER HR: | \$6.40  |
|    | CONTRACT NO: | <b>2004/2005-092</b>                          |
|    |              |   |
| 4. | CONTRACTOR:  | Joshua Jordan, Lifeguard, Step 4              |
|    | DATES:       | October 01, 2004 through September 30, 2005   |
|    | RATE PER HR: | \$6.40  |
|    | CONTRACT NO: | <b>2004/2005-093</b>                          |

5. CONTRACTOR: Shawn Jordan, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-094**
6. CONTRACTOR: John Parris, Lifeguard, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.00  
CONTRACT NO: **2004/2005-095**
7. CONTRACTOR: Jamie M. Jordan, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-096**
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8. CONTRACTOR: Jeremy Jordan, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-097**
9. CONTRACTOR: Jesus A. Acosta, Lifeguard, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.00  
CONTRACT NO: **2004/2005-098**
10. CONTRACTOR: Jenny Logan, Lifeguard, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.00  
CONTRACT NO: **2004/2005-099**
11. CONTRACTOR: Adrian Loya, Lifeguard, Step 4  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.40  
CONTRACT NO: **2004/2005-100**
12. CONTRACTOR: Jose Macias, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-101**
13. CONTRACTOR: Jacqueline Paz, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-102**
14. CONTRACTOR: Maricruz Gallegos, Pool Attendant, Step 4  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.00  
CONTRACT NO: **2004/2005-103**
15. CONTRACTOR: Alma S. Gallegos, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-104**

16. CONTRACTOR: Vicente A. Sosa, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-105**
17. CONTRACTOR: Brian Jones, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-106**
18. CONTRACTOR: Elizabeth A. Jones, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-107**
19. CONTRACTOR: Evelyn Chavez, Swim Instructor, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.50  
CONTRACT NO: **2004/2005-108**
20. CONTRACTOR: Gerardo Magallanes, Swim Instructor, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.50  
CONTRACT NO: **2004/2005-109**

**MULTI-PURPOSE CENTER**

**DEPARTMENT ID: 51150056, ACCOUNT: 501011**

21. CONTRACTOR: Leticia Guerrero, CDBG Instructor  
DATES: September 08, 2004 through August 31, 2005  
RATE PER HR: \$6.05  
CONTRACT NO: **2004/2005-110**

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

**CAROLINA RECREATION CENTER CENTER**

**DEPARTMENT ID: 51510073, ACCOUNT 502214**

1. CONTRACTOR: Jerry Guevara, Referee for Basketball & Soccer  
DATES: September 08, 2004 through August 31, 2005  
RATE PER CL: \$8.80  
MAXIMUM AMT: \$4840.00  
CONTRACT: **2004/2005-075**



**NOLAN RICHARDSON RECREATION CENTER**  
**DEPARTMENT ID: 51510074, ACCOUNT 502214**

2. CONTRACTOR: Fernando Arriaga, Karate Instructor  
DATES: September 08, 2004 through August 31, 2005  
RATE PER CL: \$12.00  
MAXIMUM AMT: \$5400.00  
CONTRACT: **2004/2005-076**

**SAN JUAN RECREATION CENTER**  
**DEPARTMENT ID: 51510123, ACCOUNT 502214**

3. CONTRACTOR: Reina Banuelos, Folklorico Instructor  
DATES: September 08, 2004 through August 31, 2005  
RATE PER CL: \$8.00  
MAXIMUM AMT: \$832.00  
CONTRACT: **2004/2005-077**

4. CONTRACTOR: Rebecca Y. Luna, Ballet Instructor  
DATES: September 08, 2004 through August 31, 2005  
RATE PER CL: \$8.00  
MAXIMUM AMT: \$2496.00  
CONTRACT: **2004/2005-078**

**ARMIJO RECREATION CENTER**  
**DEPARTMENT ID: 51510065, ACCOUNT: 502214**

5. CONTRACTOR: Joel Lee Alvarez, Karate/Kickboxing Instructor  
DATES: September 08, 2004 through February 28, 2005  
RATE PER CL: \$7.00  
MAXIMUM AMT: \$700.00  
CONTRACT: **2004/2005-079**

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accepts the donation of 300 flags (11" x 17") from Robert Herndon, a private citizen, for use by the Police Department to place the flags on marked police vehicles in honor of September 11. The value of the flags is \$2,400.00.

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**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 28<sup>th</sup> day of September 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1406-1418 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 5 and 6 and the East 5 feet of Lot 4, the West 13 feet of 7, the South 100 feet of the East 5 feet of Lot 3, the South 100 feet of the West 20 feet of Lot 4, the North 120 feet of Lots 8, 9 and 10 and the North 130 feet of the East 12 feet of Lot 7, Block 33, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose A. Gutierrez, Pedro Taboada, and Joseph P. Murray, 2300 N. Campbell Street, El Paso, Texas 79902, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to approve the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A.** Lopez, Guillermo – Engineering Technician I
- B.** Aldana, David – Police Officer
- Lechuga, Gabriel – Police Officer

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to delete the board appointment of Sandra Almanzan to the Community Development Steering Committee by Mayor Joe Wardy.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A.** PID #'s F607-999-0420-4900 & F607-999-0420-4600, \$796.53 per month installments on a balance of \$4,779.18 for 2003 taxes; Linda A. Milligan – 1515 E. Missouri Ave.
- B.** PID #X579-000-3190-0195, \$232.06 per month installments on a balance of \$5,801.50 for 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2002 & 2003 Taxes; Thomas M. & Cheryl Colker-; No Address Assigned.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the request to allocate ONE HUNDRED DOLLARS (\$100.00) from District #4 Discretionary Funds be used towards the "user fee" for Cohen Center for the third annual "Heroes Charity Softball" event on September 11th, 2004, at the Andy and Syd Cohen Center.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the request to allocate ONE HUNDRED DOLLARS (\$100.00) from District #4 Discretionary Funds be used towards the "user fee" for Cohen Center for the third annual "Heroes Charity Softball" event on September 11th, 2004, at the Andy and Syd Cohen Center.

Representative Cook spoke on the uses of discretionary funds and requested that Mr. John Nance, Assistant City Attorney, provide legal advice. He clarified that the funds would be allocated to clean the stadium following the conclusion of the event.

Mr. John Nance, Assistant City Attorney, provided legal advice regarding the expenditure of public funds and defined public purpose, as per the Texas Constitution.

Representative Austin requested Mr. Nance prepare documentation regarding the appropriate uses of discretionary funds.

Representative Rojas was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to authorize to disburse \$500 from District 3 Discretionary funds to the Pebble Hills Regional Command Center for the Pride Day activities planned for November 6, 2004.

Representative Lozano explained that he would use District 3 discretionary funds for Pride Day activities within District 5.

Representative Cook responded that, as per the Legal Department, Council Members were authorized to utilize District 5 discretionary funds for activities within District 5.

Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to authorize to disburse \$500 from District 3 Discretionary funds to the Pebble Hills Regional Command Center to help cover the Pride Day activities that are planned for District 5 for November 6, 2004.

Representative Rojas was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to authorize to allocate \$2,000 from District No. 6 Council Special Projects (discretionary funds) to City of El Paso Fire Department to assist with transportation costs to compete in the Fire Fighters Combat Challenge Team events.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks Best Value Procurement Bid No. 2004-226 Washing of Heavy Duty Equipment (Rebid)

Award to:	A & E Truck & Car Wash El Paso, TX
Item (s):	All
Amount:	\$150,000.00 (estimated yearly)
Department:	Fleet Services
Funds available:	37370510-45202-503125
Funding source:	Fleet Services-Inventory Sales-Equipment Outside Repairs
Total award:	\$450,000.00 (estimated)

The Fleet Services Department and Purchasing Departments recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with the option to extend the term of the contract one additional year.

Motion made, seconded and unanimously carried to move to the Regular Agenda Request for Proposal Bid No. 2004-193R Supplemental Life Insurance (Life, Dental, Vision & Disability)

See discussion on page 19.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the Request for Proposal Bid No. 2004-193R Supplemental Life Insurance (Life, Dental, Vision & Disability)

Award To: Vendor/Item: Block Vision  
Florham Park, NJ/EI Paso, TX  
Vendor/Item: United Concordia-Dental  
Dallas, TX/EI Paso, TX  
Vendor/Item: Safeguard Health Plans Inc-Dental  
Dallas, TX/EI Paso, TX  
Vendor/Item: ING Employee Benefits-Life  
Dallas, TX/EI Paso, TX  
Vendor/Item: UNUM-Disability Coverage  
EI Paso, TX  
Amount: \$73,990.80 (estimate yearly)

Department: Office of Management & Budget  
Funds available: 04100248-45121-502119  
Funding source: Health Insurance and Benefits-Health Benefits  
Total award: \$209,640.60 (estimate for 34 months)

The Office of Management and Budget, Insurance Department, Consultant, Purchasing Department and the review committee have met and reviewed the Proposals that were received. It is the recommendation of the committee to award the RFP to Safeguard, United Concordia, ING Employee Benefits and UNUM. The proposal responses addressed the scope and intent of the RFP.

This is a thirty-four (34) month contract with the options to extend the contracts for two (2) additional years, one year at a time.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents, agreements and budget transfer, necessary during the contract.

Representative Rojas was not present for the vote.

NOTE: Bid was revised.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of Bel Air High School to hold a homecoming parade on September 22, 2004 from 6:00 p.m. to 7:30 p.m. Route: Start at Lowes' parking lot on Carolina, turn left on Yarbrough to Mazatlan, turn left on Mazatlan to Venado, turn left on Venado to Hermosillo, turn left on Hermosillo and finish at Bel Air High School rear parking lot. Approximately 1,000 persons, 50 vehicles will take part and 3,000 spectators are anticipated. PERMIT NO. 04-090 [Enrique Perez, Jr.]

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of People Skills, Inc. to hold a bicycle/foot/walk race on October 30, 2004 from 8:00 a.m. to 12:00 p.m. Route: Start on 7800 Helen of Troy to Resler, turn left on Resler to Transmountain Road (Loop 375 East), turn right on Transmountain Road (Loop 375 East), proceed on Transmountain Road to the elevation-5280 crossover, turn around on Transmountain Road (Loop 375 West), proceed on Transmountain Road (Loop 375 West) to Resler, turn left on Resler and finish at Helen of Troy. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 microphone) PERMIT NO. 04-088 [Ruben Castaneda]

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the request of Kern Place Merchants Association to use amplification (4 speakers) at the corner of Cincinnati and Mesa (2 speakers will be facing Mesa on the corner of Cincinnati/Stanton & 2 speakers will be facing Mesa on the corner of Mesa/Cincinnati) on September 11, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 50 persons will take part and 3,000 spectators are anticipated. PERMIT NO. 04-093 [Kenneth Rico Velasquez]

See discussion on page 22.

Motion made by Representative Austin, seconded by Representative Lozano and unanimously carried to approve the request as **revised** of Kern Place Merchants Association to use amplification (4 speakers) at the corner of Cincinnati and Mesa (2 speakers will be facing Mesa on the corner of Cincinnati/Stanton & 2 speakers will be facing Mesa on the corner of Mesa/Cincinnati) on September 11, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 50 persons will take part and 5,000 spectators are anticipated with the same conditions as those imposed on the August 28, 2004 event. PERMIT NO. 04-093 [Kenneth Rico Velasquez]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of Bronco Buster & Western Spur Residents to block off 12200 block of Western Spur on September 11, 2004 from 4:00 p.m. to 12:00 a.m. for a block party. Approximately 80 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (D.J.-2 speakers). PERMIT NO. 04-094 [Willie Barber]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of Sombras del Rio Homeowners Association to block off 600 block of Cora Place on September 11, 2004 from 5:00 p.m. to 9:00 p.m. for a block party. Approximately 80 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (1 personal stereo with 2 speakers). PERMIT NO.04-096 [Martha Mata]

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Ms. Richarda Duffy Momsen, City Clerk, noted for the record, Representative Rojas voted AYE.

- A. An ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of the code.
- B. An ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty being as provided in Section 2.38.110 of the code.
- C. An Ordinance granting to the City Manager or the Department Head to enter into and sign certain personal, professional, and independent service contracts on behalf of the City.
- D. An Ordinance rescinding Ordinance No. 15775, and authorizing the Mayor to sign a Contract of Sale, Special Warranty Deed, Release of Lien and all other related documents, conveying to George Anthony Herrera the West 30 feet of the East 60.30 feet of Lots 1-3, inclusive, Block 36, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas (1025 E. Eighth Avenue.)

- E. An Ordinance vacating a portion of a 20 foot wide alley abutting Lots 3 & 4, Block 1, Mills Map, City of El Paso, El Paso County, Texas. Applicant / Representative: Branca, L.P., a Texas Limited Partnership, 300 East Main Street, Suite 1200, El Paso, TX. 79901. AV03002

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 21, 2004 FOR ITEMS A – E**

- F. An Ordinance changing the zoning of a portion of Lot 3 and all of Lot 4, Block 3, Canutillo Industrial Park, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Chanate Partners, Ltd. ZON04-00055
- G. An Ordinance changing the zoning of Parcel 1: A portion of Tracts 11A and 12 and all of Tract 11B, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract) and imposing certain conditions; Parcel 2: A portion of Tracts 11A and 12, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) and C-1/sc (Commercial/special contract) to C-3 (Commercial) and C-3/sc (Commercial/special contract); and Parcel 3: A portion of Tract 11A, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Abdolkarim Saadatkhah. ZON04-00063
- H. An Ordinance granting Special Permit No. ZON04-00100, to allow for a planned residential development on Tract 1E and a portion of Tract 1H, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JNC Development Inc.
- I. An Ordinance changing the zoning of Tract 1E and a portion of Tract 1H, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from A-2/c (Apartment/conditions) and C-4/c (Commercial/conditions) to R-5/c (Residential/conditions). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JNC Development Inc. ZON04-00101
- J. Ordinance granting Special Permit No. ZON04-00069, to allow for a governmental use on A Portion of Lot 83, Block 12, Tierra Del Este Unit One, El Paso, El Paso County, Texas (12600 Pebble Hills Boulevard) pursuant to Section 20.14.040. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso.
- K. An Ordinance granting Special Permit No. ZON04-00091 to allow for a parking reduction on the property described as South Portion of Lots 14 to 16, Block 41, East El Paso, El Paso, El Paso County, Texas (3624 Gateway East, Suite B), Pursuant to Section 20.64.175, and The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Luis M. Alvarado.
- L. An ordinance changing the zoning of A portion of Lot 1, Block 112, Vista Del Sol Unit 16, El Paso, El Paso County, Texas (11129 Pelicano Drive) from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.. Applicant: Grys Group, LLC. ZON04-00099

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 28, 2004 FOR ITEMS F – L**





Mr. Bashar Abugalyon, Engineering Department, responded to questions of Representative Rojas regarding restoration of the pit, correcting the erosion caused by the pit, and enforcement measures, imposed on the contractor, by the Engineering Department.

Mr. Thomas Maguire, Building Permits and Inspections, commented on the type of vehicles allowable for sale in used car lots.

Ms. Lisa A. Elizondo, City Attorney, suggested that the matter be postponed until the end of the agenda so that individuals can meet, discuss and present options to the Council.

The following individuals spoke in opposition to the construction project:

Ms. Mary Cooper, area resident, asked that her daughter, Ms. Laurie Cooper, speak on her behalf.

Mr. Herb Sherwod, area resident, noted that his property abuts the construction site and deferred his time to speak to Ms. Laurie Cooper.

Ms. Laurie Cooper, area resident, presented a video for the Council's viewing and spoke on concerns regarding the lack of safe, orderly and healthful development of the property, permitting uses, and the manner in which the property is currently in use. She explained that the neighbors have had concerns regarding the property for approximately two years and requested that the following conditions be placed on the property: 1. a buffer zone between the properties, specifically erecting a rock wall 10 feet away from the ditch; and 2. that the C-3 zoning be adhered to. She noted that the property owner was not utilizing the property according to the C-3 zoning, she answered questions from and responded to comments made by the Council Members.

Mr. Bert Sherwood, area resident, also made comments addressing the video and made remarks regarding his irrigation ditch (leaking and drainage issues) and grading done by the property owner. He answered questions from and responded to comments made by the Council Members. He had requested that the property owner construct a seven-foot wall between the property lines and the business.

Ms. Anita Blair, citizen, spoke on the importance of the Franklin Canal and recommended that something other than a used car lot be utilized for the property in question.

The following individual spoke in favor of the construction project:

Mr. Fermin Dorado, Dorado Engineering representing the applicant, objected to harassment by the City. He stressed the need for the applicant to proceed with the site development plan approval. He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to direct City staff, through the City Manager, to study the possibility of extending the boundaries for the area in which possession and consumption of alcohol in open containers is to be prohibited under the City Code.

Representative Cobos displayed a map of the affected area (on file in the City Clerk's office) and explained that, as per City ordinance, open alcoholic containers are not allowed within the affected area. He requested that the boundary lines be extended to Cotton Street to the East and I-10 to the North as the Magoffin Neighborhood Association had concerns with loitering and open alcoholic beverage containers.

Mr. Ray Tullius, Opportunity Center, explained that the goal of the issue was to address the concerns of the Magoffin area residents regarding alleviating loitering and open alcoholic containers. He requested that the open alcoholic container ordinance boundaries be extended to include the Magoffin area.

Mayor Joe Wardy asked Mr. Tullius whether or not property owners would be allowed to consume alcoholic beverages on their properties.

Ms. Lisa A. Elizondo, City Attorney, commented on the current Code provisions and noted that the Code excludes residential structures. She stated that the Legal Department would research the possibilities of expanding the open alcoholic container ordinance; however, she noted that, in the event the Municipal Code was amended, the City must submit those amendments to the State of Texas for approval.

Representatives Lozano, Cook, Austin, and Escobar asked questions and/or commented.

Mr. Marvin Foust, Assistant City Attorney, explained that he would meet with all parties to discuss the matter. He provided legal advice regarding the sequence of events applicable to modify the Code language. He answered questions from and responded to comments made by the Council Members.

Assistant Police Chief Paul Cross remarked that the El Paso Police Officers often assist Railroad Police Officers as needed.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve Conditional "B" building permits for Sombras Del Sol Unit Three Subdivision on the basis of economic hardship.

Representative Rojas was not present for the vote.

Mr. Bashar Abugalyon, Engineering Department, introduced the item to the Council Members.

Mr. Conrad Conde, representing JNC Land Co., requested that the Council approve the conditional “B” building permits based on economic hardship.

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to postpone two (2) weeks the discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a land study application and all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such application.

Representative Rojas was not present for the vote.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the Public Service Board - El Paso Water Utilities had requested that a land study be submitted to incorporate property located in the Northwest Planning area for the construction of over 4,000 dwelling units. He explained that the Council would not be voting on the land study today. He answered questions from and responded to comments made by the Council Members.

Representative Cook explained that the Public Service Board had utilized the services of Parkhill, Smith & Cooper to perform its land study. He disagreed with Representative Austin's comments (see below) and stated that the City should develop a Master Plan on major properties owned by the City. He suggested that the Council approve the item today, but include Representative Austin's suggestion in a resolution to be approved by the Council at a future Council meeting.

Representative Austin noted that subdivision applicants normally submit a land study when subdivision construction, in phases, was necessary. She stated that, if the Council treats this matter as a land study, the Council would be marking this date as the date for any future development. She made remarks regarding the Council approving all land sales by the Public Service Board, questioned how the City intended to enforce this "Plan" on the property buyers and suggested that deed restrictions or restrictions in the contract of sale be imposed on contract buyers. Following her motion to postpone for the item for two weeks, she requested that the Planning, Research and Development Department study whether or not the City was investigating all

ramifications of a land study and/or what other mechanism(s) might be utilized to approve a "Master Plan" for the area.

Mayor Joe Wardy noted that the owner of this land was the City of El Paso and added that it might be prudent to have the Legal Department provide direction as the City and the PSB were treading on new ground.

Mr. Jose Lares, Public Service Board El Paso Water Utilities, clarified that the Department was following the subdivision ordinance language and added that the process had been ongoing for approximately one year.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks the discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a request for modifications to the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and to submit all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such request.

Representative Rojas was not present for the vote.

See above for discussion.

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Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to postpone three (3) weeks the discussion and action on a Resolution that City Council hereby requires that all budget transfers requiring Council approval that are over \$500,000.00 and all contracts, bids, request for proposals or request for qualifications awards that are over \$500,000.00, be placed on the regular agenda of the City Council Meeting Agenda.

Representative Rojas was not present for the vote.

Mr. Jim Martinez, Chief Administrative Officer, requested the item be postponed three weeks. He said Joyce Wilson, who will assume the position of City Manager in late September, has definite ideas on this issue and would like to address it when she arrives.

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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the Request for Proposal Bid No.: 2004-195R Third Party Medical Claims Administration

Award to:	Vendor/Item	Access Administrators – TPA El Paso, TX
	Vendor/Item	Advantage Care Network – Network El Paso, TX
	Vendor/Item	ING Employee Benefits – Stop Loss Dallas, TX/El Paso, TX
	Vendor/Item	Restat - Pharmacy El Paso, TX
	Vendor/Item	NCED Mental Health - EAP El Paso, TX
Amount:		\$1,704,000.00 (estimated yearly)
Department:		Office of Management & Budget
Funds available:		04100248-45121-502119
Funding source:		Health Insurance & Benefits – Health Benefits
Total award:		\$4,828,000.00 (estimated 34 months)

The Office of Management and Budget, Insurance Department, Consultant, Purchasing Department and the review committee have met and reviewed the Proposals that were received. It is the recommendation of the committee to award the RFP to Access Administration, Advantage Care Network, ING Employee Benefits and NCED Mental Health. The proposal responses addressed the scope and intent of the RFP.

This is a thirty-four (34) month contract with the options to extend the contracts for two (2) additional years, one year at a time.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents, agreements and budget transfers necessary during the contract.

Representative Rojas was not present for the vote.

Mr. David Almonte, Director of OMB, highlighted significant changes at the request of Representative Austin.

Mayor Joe Wardy and Representative Escobar commented.

Representative Cobos asked Mr. Almonte whether or not the El Paso City Employees Association had been included in meetings regarding the insurance proposals.

Ms. Irene Morales, Assistant OMB Director, responded.

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\*Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to approve Budget Transfer BT2004-1177 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$922,950 from an unallocated project to the Lee Boulevard project to fund the City's share of this TxDOT project. Funding source is 1995 Cos.

Decrease	\$922,950	from	31131001/P50148827061/508027	Construction
Increase	\$922,950	to	31131001/P50148827061/507001	IntrfdTrf(Use)
Increase	\$922,950	to	31131001/PPW002327079/407001	IntrfdTrf(S)
Increase	\$922,950	to	31131001/PPW002327079/508027	Construction

Representative Rojas was not present for the vote.

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**ORDINANCE 15876**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NOS. 15529 AND 15185 AND ESTABLISHING A NEW ORDINANCE THAT CREATES AND ESTABLISHES THE DUTIES OF THE BUILDING AND PLANNING SERVICES DEPARTMENT.**

Representative Austin asked why Deputy City Manager positions are considered their own department and suggested that the Deputy City Manager positions be under the City Manager department.

Mayor Joe Wardy explained that the Deputy City Manager positions were created by ordinance during a previous administration. He suggested that any organizational restructuring decisions be left to incoming City Manager, Ms. Joyce Wilson.

Mr. Jim Martinez, Chief Administrative Officer, addressed comments made by Representative Austin.

Ms. Lisa A. Elizondo, City Attorney, explained that the ordinance(s) were to clarify the nomenclature of the title change.

Ms. Lupe Cuellar, Deputy City Attorney, explained that provisions in the City Charter addressing Department Heads (allowing Council to remove Department Heads for convenience or the good of the service) would not apply and the positions would then be considered classified employees.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Members Escobar and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15877**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NOS. 15546 AND 15186 AND ESTABLISHING A NEW ORDINANCE THAT CREATES AND ESTABLISHES THE DUTIES OF THE MUNICIPAL SERVICES DEPARTMENT.**

See discussion on Ordinance 15876.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Members Escobar and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15878**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NOS. 15531, 15239 AND 15184 AND ESTABLISHING A NEW ORDINANCE THAT CREATES AND ESTABLISHES THE DUTIES OF THE FINANCIAL AND ADMINISTRATIVE SERVICES DEPARTMENT.**

See discussion on Ordinance 15876.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Members Escobar and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15879**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NOS. 15530 AND 15187 AND ESTABLISHING A NEW ORDINANCE THAT CREATES AND ESTABLISHES THE DUTIES OF THE QUALITY OF LIFE SERVICES DEPARTMENT.**

See discussion on Ordinance 15876.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows: -----

AYES: Council Members Austin, Lozano, Cook, and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Members Escobar and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15880**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.60 (FLOOD DAMAGE PREVENTION); SECTION 18.60.420 (DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR), SECTION 18.60.430 (DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR), SECTION 18.60.440 (DUTIES AND RESPONSIBILITIES OF THE DEPUTY CHIEF ADMINISTRATIVE OFFICER) AND SECTION 18.60.450 (DUTIES AND RESPONSIBILITIES OF THE STREET DIRECTOR) OF THE EL PASO MUNICIPAL CODE.**

See discussion on Ordinance 15876.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Members Escobar and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.  
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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 3229 Gateway West Boulevard, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated March 12<sup>th</sup>, 2004. The owner of this property, Iglesia De Dios Vivo Columna Y Apoyo De La Verdad – La Luz Del Mundo, 3229 Gateway West Boulevard, El Paso, Texas 79903-4225, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

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**ORDINANCE 15881**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO KERN PLACE MERCHANTS ASSOCIATION TO TEMPORARILY CLOSE A PORTION OF CINCINNATI AVE. BETWEEN MESA STREET AND STANTON STREET FOR A "TAIL GATE PARTY," CELEBRATION ON SATURDAY, SEPTEMBER 11, 2004 AND SUNDAY, SEPTEMBER 12, 2004.**

~~Representative Austin explained that the Kern Place Merchants Association had applied for several permits and added that previous events restricting the number of participants and noise levels had been successful; however, minor infractions of the noise ordinance had occurred. She added that the Association was requesting that the number of participants be increased to 5,000, from the current 3,000 number. She requested that, in the event the Council approved the following ordinances and street closure permit (as noted on page 13), the minimum conditions not be waived by all parties: She noted the minimum conditions as follows: 1. maintain sound barriers; and 2. maintain police officers and security guards at strategic locations to protect the neighborhood. She asked questions of City staff members Mr. Alan Shubert, Director of Building Permits and Inspections, Assistant Police Chief Paul Cross, and Police Lieutenant Bobby Lane.~~

Mayor Joe Wardy noted that the University of Texas at El Paso would be holding six outdoor football games this season and that the City placed no restrictions i.e., noise levels and number of participants, on the University.

Representatives Cobos asked Mr. Shubert questions regarding the noise ordinance language and suggested that the noise ordinance be amended to extend the time limit to 12:00 p.m., rather than the current 10:00 p.m., for Saturday night events. He suggested that the Association purchase the property from the City in order to avoid coming to the Council for approval of each event they wished to hold.

Mr. Shubert noted that as per the Fire Code (based upon the capacity of the establishments and street) 5,853 would be allowed to participate in the event. He stated, as a point of order, that the number of officers was not stipulated in the Special Privilege license as currently written; however, the barricade locations were. He responded to questions from Representative Lozano regarding parking within Cincinnati Street area.

Representative Austin moved to approve the ordinance, as revised, to include the conditions that were placed on the August 28<sup>th</sup> event and raising the maximum number of participants to 5,000. Representative Lozano seconded.

Representative Cook requested that the number of participants not be restricted.

Police Department Lieutenant Bobby Lane explained that it was his decision to remove the police officers from the residential area to protect the pedestrian traffic accumulating on Mesa Street. He stated that after speaking with the Kern Place Merchants Association, it was his determination, that the Police Department would increase security measures by two additional police officers, in the event the number of participants was raised to 5,000.

Assistant Police Chief Paul Cross commented on the number of police and security officers utilized for the University's football games and stated that raising the number of officers for Kern Place Merchant Association events to 14 would suffice.

Representative Escobar commented that restricting the businesses from holding their events might cause the closure of those businesses, causing other problems such as vagrants.

Representative Lozano suggested that the Association utilize the Downtown Entertainment District to hold their events.

The following individuals spoke in opposition:

Dr. Keith Pannell, Kern Place resident, spoke in opposition to the Kern Place Merchants Association events and requested that the Mayor organize a committee consisting of Kern Place residents, Kern Place Merchants Association members, and members of the Council to create a Master Plan. He commented on the number of businesses that have relocated away from the Cincinnati Street area and responded to comments made by Dr. William Elder (see below) on behalf of Mr. Richard Pearson.

Ms. Minerva Mena, Kern Place resident, commented on individuals parking in front of her home for University football, basketball, and Sun Bowl games and requested that the Association hold their events at a location other than the current one.

Mr. Ron Stuart, Kern Place resident, commented on parking issues for events held by the Association and asked that the Council protect the neighborhood.

The following individuals spoke in favor:

Dr. William Elder, Kern Place resident, spoke in favor of the events held by the Association. He said he has no problem with the events and welcomes them to the neighborhood where he intends to stay, get married and raise children.

Mr. Keith Mahar, Kern Place Merchants Association member, explained that the Association had tried working with the residents; however, their efforts were turned down. He commented on the close proximity of restaurants/bars and residential areas in the Dallas suburb of Highland Park.

Mr. George Cisneros, Kern Place Merchants Association member, explained why businesses previously located in the Kern Place area had relocated. He commented on the amount of monies the Association has utilized for its events.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be adopted as **revised**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as **revised**.

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**ORDINANCE 15882**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO KERN PLACE MERCHANTS ASSOCIATION TO TEMPORARILY CLOSE A PORTION OF CINCINNATI AVE BETWEEN MESA STREET AND STANTON STREET FOR AN "ICE CREAM SOCIAL," CELEBRATION ON SUNDAY, SEPTEMBER 12, 2004.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook and Escobar  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Members Rojas and Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15883**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF OREGON STREET BETWEEN MISSOURI STREET AND FRANKLIN STREET FOR A "CHILE COOK OFF" CELEBRATION ON SUNDAY, SEPTEMBER 12, 2004, STREET CLOSURE SHALL COMMENCE AT 8:00 A.M. ON SEPTEMBER 12TH WITH THE AFFECTED AREA REOPENING AT 5:00 A.M. ON SEPTEMBER 13TH.**

The quorum was temporarily lost, all discussions ceased.

Mr. Raymond Bonilla, Building Permits & Inspections, explained that the issues involving the Jack-in-the-Box restaurant had been resolved.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15884**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), TO AMEND CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES) OF THE EL PASO MUNICIPAL CODE BY ADDING SUBSECTION 15.08.120.C.9 TO RECOGNIZE THE CREATION OF CHAPTER 13.30 OF THIS CODE WHICH ADDRESSES THE ISSUANCE OF PERMITS FOR FILM MAKING EVENTS; THE PENALTY BEING AS PROVIDED IN SECTION 13.30.130 OF THE MUNICIPAL CODE.**

The following ordinance was discussed concurrently.

Mr. David Dobson, Director of Economic Development, gave a PowerPoint presentation and answered questions from and responded to comments made by the Council Members.

Representative Escobar noted that the movie "Day After Tomorrow" was listed as one of the top 10 money making movies of the summer

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15885**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), TO CREATE CHAPTER 13.30 (FILM-MAKING EVENTS), OF THE EL PASO MUNICIPAL CODE; TO CREATE PROVISIONS FOR THE ISSUANCE OF PERMITS FOR CERTAIN TYPES OF USES OF STREETS, ALLEYS AND OTHER AREAS OWNED BY THE CITY; TO ESTABLISH CRITERIA FOR THE CONSIDERATION, ISSUANCE AND REVOCATION OF THE PERMITS; TO PROVIDE FOR THE ISSUANCE OF PERMITS; TO ESTABLISH FEES; TO PROVIDE FOR AN APPEAL PROCESS, AND TO CREATE DUTIES FOR PERMITTEES AND PARTICIPANTS; THE PENALTY BEING AS PROVIDED IN SECTION 13.30.110 OF THE MUNICIPAL CODE.**

See above Ordinance for discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15886**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.) PARAGRAPH 12.88.040 (J) (NO PARKING, 7:00 A.M. TO 4:00 P.M.) TO INCLUDE NEW LOCATIONS ON ELON LANE, MARK WALLACE LANE, MCVEIGH WAY, AND SAM HORRELL WAY. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that the cul-de-sac residents had overwhelming approved.

Representative Austin explained that other details would be worked out at a later date; however, the current ordinance language prohibits parking within the cul-de-sacs during the hours of 7:00 a.m. to 4:00 p.m.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15887**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 12, ELIGIBLE LISTS, SECTION 8, REMOVAL ON ACCOUNT OF NON-APPOINTMENT, TO CLARIFY WHEN AN EMPLOYEE IS CHARGED WITH A NON-APPOINTMENT.**

Ms. Terry A. Bond, Director of Human Resources, explained that it was the Civil Service Commissioners who had recommended the ordinance be brought before the Council for approval and explained the ordinance language. She answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15888**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 6, CERTIFICATION, TO CHANGE CERTIFICATION PROCEDURES AND THE CERTIFICATION ORDER.**

Ms. Terry A. Bond, Director of Human Resources, noted that it was the Human Resources Department who had recommended the ordinance language to the Civil Service Commissioners, of which the Commissioners approved. She provided explanation of the ordinance language and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15889**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00092 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I DESCRIBED AS LOTS 14 -16, BLOCK 57, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS; BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL II, DESCRIBED AS LOTS 15 & 16, BLOCK 74, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (1830 RIO GRANDE AVENUE) PURSUANT TO SECTION 20.22.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the special permit and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15890**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT A, MONTE-CITO ADDITION NO. THREE, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Representative Rojas asked Mr. Valdez whether the neighbors were opposed to the zoning change request.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15891**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 2, BLOCK 1, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (SUNLAND PARK DRIVE SOUTH OF DONIPHAN DRIVE) FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos moved to approve the ordinance; however, placing restrictions on the property. He read those restrictions into the record (copy on file in the City Clerk's office) and emphasized the exclusion of apartments from the restrictions. Representative Lozano seconded.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that opposition to the zoning change request was presented at the DCC meeting and based on that opposition, restricted uses on the property were recommended. He read those recommended restrictions into the record, answered questions from and responded to comments made by the Council Members. He added that the restrictions include the submission of the detailed site development plan.

Mr. David F. Etzold, Etzold &Co., responded to questions of Representative Austin regarding improvements to Emory Road. He concurred with Representative Cobos' recommended restrictions, to include the exclusion of apartments.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted as **revised**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar and Cobos  
NAYS: None Absent: Council Member Cushing  
NOT PRESENT FOR THE VOTE: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as **revised**.

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**ADDITION TO THE AGENDA**

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to appoint Larry Garcia to the Fair Housing Task Force by Mayor Joe Wardy.

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**17B.** Discussion and action on health, safety, welfare, environmental, engineering and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas. (551.071)

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session at 1:39 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representative Rojas was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the Office of the City Attorney be authorized to proceed as recommended by the Office of the City Attorney in the matter entitled Truett L. Maddox v. The City of El Paso, et al., Cause No. 92-14046.

Representative Rojas was not present for the vote.

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Motion made by Representative Escobar, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action of the following executive session item:

In the Matter of a Court of Inquiry, Cause No. 20040D00188 (551.071)

Representative Rojas was not present for the vote.

.....  
Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to postpone one (1) week the discussion and action on health, safety, welfare, environmental, engineering and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to adjourn this meeting at 1:45 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk